UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE KNOXVILLE DIVISION

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)	NO. 3:17-CR-00085
)	REEVES/GUYTON
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ORDER

The Government has moved, under Rule 35 of the Federal Rules of Criminal Procedure, to reduce Mr. Dailey's sentence from 24 months to 18 months [D. 24].

Mr. Dailey pled guilty on August 23, 2017 to one count of conspiring to manufacture anabolic steroids, in violation of U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(E)(i) [D. 2, 8]. His sentencing guideline range for this offense was 37 to 46 months [D. 11], but the government filed a motion for downward departure under U.S.S.G. § 5K1.1 to reflect the substantial assistance Mr. Dailey provided regarding other individuals who were manufacturing anabolic steroids [D. 17]. At the sentencing hearing, the Court granted that motion, and sentenced Mr. Dailey to 24 months, which would reflect the bottom of the sentencing guidelines for a defendant with a base offense level of 17 and a criminal history category of I [D. 21].

Mr. Dailey has agreed to assist the Government further, by communicating with a suspect who is a substantial supplier of anabolic steroids, and is the target of a proactive investigation in several countries [D. 24, p. 3]. Because of this cooperation, the Government asks for a further reduction in Mr. Dailey's sentence to 18 months, which would reflect the bottom of the guideline range at a base offense level of 15—in other words, an additional two-level reduction [*Id.*, p. 4].

On the Government's motion, made within one year of sentencing, the Court may reduce a sentence if the defendant, after sentencing, has provided substantial assistance in investigating or prosecuting another person. FED. R. CRIM. P. 35(b)(1). In evaluating whether the defendant has provided substantial assistance, the Court may also consider presentence assistance. *Id.* 35(b)(3).

The Court has found Mr. Dailey provided substantial assistance prior to sentencing, and he appears to have provided further assistance after sentencing that is very beneficial to the Government. For these reasons, the Court finds that a further reduction is warranted.

Accordingly, the Government's motion for a reduced sentence [D. 24] is **GRANTED**, and Mr. Dailey's sentence is **REDUCED** to 18 months, followed by 3 years of supervised release.

IT IS SO ORDERED.

CHIEF UNITED STATES DISTRICT JUDGE